

SEVENTH DAY

(Monday, October 11, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Small.

The roll was called, and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Sulak
Hill	Van Zandt
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff

Absent—Excused

Neal	Shivers
Nelson	Stone
Redditt	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Woodruff, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 7, 1937, was dispensed with, and the Journal was approved.

Leaves of Absence Granted

The following Senators were granted leaves of absence for today, on account of important business:

Senator Neal, on motion of Senator Winfield.

Senator Shivers, on motion of Senator Moore.

Senator Stone, on motion of Senator Woodruff.

Senator Redditt, on motion of Senator Moore.

Senator Nelson was granted leave of absence for today, on account of illness, on motion of Senator Brownlee.

Petitions and Memorials

Senator Holbrook submitted three communications in the nature of peti-

tions opposing the levy of additional taxes, which were read to the Senate.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
October 11, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 19, A bill to be entitled "An Act providing that on and after the effective date of this Act, delinquent taxpayers shall be permitted to pay such taxes in partial payments; providing for the creation and establishment of a system whereby such payments may be made in this manner; providing for a twenty month time limit in the payment of delinquent taxes under this system; providing for the institution of suit by the County Attorney or District Attorney or Criminal District Attorney in counties where there is no County Attorney, against such delinquent taxpayers upon default in making such payments under this Act; providing that no payment shall be received by the Assessor and Collector of Taxes, which payments total less than \$1.00, and further, that accounts which total less than \$10.00 will not be opened; providing that when the sum of money sufficient to pay the earliest unpaid year of delinquent taxes owed by such taxpayer shall have been paid, such amount shall then be applied upon such taxes, and a redemption receipt issued therefor; providing that all of the funds received under the provisions of this Act shall immediately become the property of the State of Texas, and the respective county involved, and that no refunds shall be allowed; providing that the Assessor and Collector of Taxes may, in his discretion, allow the amount or amounts already paid into such partial payment account to be applied upon such taxes in the event the property covered is sold or transferred, and further, providing for the transfer of such partial payment account to the new owner; providing

for the creation of a special account with the County Treasurer of the respective counties, in which funds collected under this system may be deposited until sufficient amount is collected to pay at least one year's taxes, at which time such amount shall be remitted by the County Treasurer to the Assessor and Collector of Taxes for proportionate distribution in the regular manner as provided by law for the distribution of other monies."

H. B. No. 32, A bill to be entitled "An Act amending Article 793, Chapter 4, Code of Criminal Procedure, 1925, fixing the rate of wages in certain counties to be paid county convicts committed to workhouses, county farms, or public improvements, and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to amend Section 5 of Article 8307 of the Revised Civil Statutes of the State of Texas as amended by the Act of 1931 passed by the Forty-second Legislature by adding a new section thereto to be designated as Section 5A, providing that whenever the last day for filing any notice with the Industrial Accident Board or for the filing of a suit upon appeal from the ruling of said Board shall fall on a holiday or on Sunday, that the time for the filing of such notice or such appeal shall be extended so as to include the next succeeding business day, and making such provision applicable to all cases in which final judgment had not been rendered and to those cases pending upon appeal as well as to those pending in trial courts, and declaring an emergency."

H. C. R. No. 37, Requesting the Highway Department to designate a special agent who shall at all times be available in Hutchinson County to issue permits for overload hauling.

H. C. R. No. 38, Requesting the Texas Old Age Assistance Commission not to take into consideration for any purpose the fact that an applicant has a child, children, or other relatives.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 4 on First Reading

The following bill was presented, for Senator Small, by Senator Isbell, for introduction at this time:

A bill to be entitled "An Act providing that only one-fourth of all of the revenue derived from occupation taxes levied by the State of Texas shall be placed to the credit of the State Available School Fund, and further providing that all further revenues derived from State occupation taxes in excess of one-fourth placed to the credit of the Available School Fund shall be placed to the credit of the State General Fund on and after the effective date of this Act and declaring an emergency."

(Senator Woodruff in the Chair.)

Senator Burns raised the point of order that the bill relates to a subject not submitted for consideration at the current called session of the Legislature and may not properly be introduced at this time.

The Presiding Officer overruled the point of order.

Senator Burns appealed from the ruling of the Presiding Officer.

Senator Holbrook was called to the Chair pending the appeal.

Question—Shall the ruling of the Presiding Officer be sustained?

The Senate sustained the ruling of the Presiding Officer (Senator Woodruff) by the following vote:

Yeas—14

Beck	Oneal
Brownlee	Rawlings
Collie	Roberts
Davis	Small
Head	Van Zandt
Holbrook	Weinert
Moore	Winfield

Nays—11

Aikin	Newton
Burns	Pace
Cotten	Spears
Hill	Sulak
Isbell	Westerfeld
Lemens	

Present—Not Voting

Woodruff

Absent—Excused

Neal	Shivers
Nelson	Stone
Redditt	

(Senator Small in the Chair.)

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senator Small:

S. B. No. 4, A bill to be entitled "An Act providing that only one-fourth of all of the revenue derived from occupation taxes levied by the State of Texas shall be placed to the credit of the State Available School Fund, and further providing that all further revenues derived from State occupation taxes in excess of one-fourth placed to the credit of the Available School Fund shall be placed to the credit of the State General Fund on and after the effective date of this Act and declaring an emergency."

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 19, to the Committee on State Affairs.

H. B. No. 32, to Committee on Counties and County Boundaries.

H. B. No. 36, to Committee on State Affairs.

House Concurrent Resolutions Referred

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committee indicated:

H. C. R. No. 37, to Committee on State Affairs.

H. C. R. No. 38, to Committee on State Affairs.

Senate Resolution No. 7

The Presiding Officer laid S. R. No. 7 before the Senate, as the unfinished business; with the following substitute by Senator Small for the resolution and the following amendment by Senator Holbrook to the substitute pending:

Substitute by Senator Small

Whereas, After the discovery of oil in Polk County many vacancy hunters rushed into this section and began surveying on and across all lands in proximity to the discovery wells,

with the hope of finding some property upon which a lease could be obtained; and

Whereas, A league of land conveyed to one Andreas Morales by the Mexican Government on August 30, 1835, and considered to be the center of the pool of oil in this new field, has been selected as the best prospect for recovery by the vacancy hunters because the lapse of more than one hundred years has effaced much of the evidence upon which the land was located, notwithstanding the fact that the Land Office map of Polk County has for more than ninety-five years given a definite location to this survey which has been held and claimed in good faith by the record owners and their predecessors who have felt secure in the ownership of said property; and

Whereas, Applications for drilling permits have been filed with the Land Office by various and sundry people who claim the land to be vacant and who have induced the filing of a suit in the District Court of Travis County, Texas, against approximately two hundred citizens of Polk County to determine whether such vacancy exists; and

Whereas, This suit, which involves the asserted rights of these citizens and disturbs and clouds the title to a large amount of land, will make it necessary for the numerous defendants to come to Austin and incur expenses that will be burdensome and oppressive and will necessarily tend to destroy the faith and confidence the good citizens should have in the integrity of public officials, and will create doubt in the minds of property owners as to the disposition of the State to deal fairly with people who have acted in utmost good faith; and

Whereas, The District Court of Polk County has concurrent jurisdiction in this controversy and it is thought that there is no substantial reason for denying these defendants of the right to litigate their claims in the court of their domicile and residence; therefore, be it

Resolved by the Senate of Texas, That we respectfully request the Attorney General of this State to litigate this controversy in the District Court of Polk County, inasmuch as the trial of the case in Travis County will greatly increase the expense, inconvenience and annoyance to the people and will serve no substantial

interest of the State in a controversy that will in the last analysis turn on a proposition of law rather than issues of fact; and be it further

Resolved by the Senate of Texas, That a copy of this resolution be furnished the Attorney General of the State of Texas and to the counsel for the defendants in the above mentioned cause.

Amendment by Senator Holbrook

Amend the substitute by adding "Chambers County and Matagorda County" after the words "Polk County," wherever they occur in the substitute.

Senator Holbrook withdrew the amendment to the substitute.

Senator Holbrook offered the following amendment to the substitute:

Amend resolution by adding after "Polk County" wherever it occurs the following, "and in all other cases similarly situated."

Yeas and nays were demanded, and the amendment to the substitute was adopted by the following vote:

Yeas—14

Aikin	Rawlings
Beck	Roberts
Burns	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Moore	Winfield

Nays—12

Brownlee	Newton
Collie	Oneal
Cotten	Pace
Davis	Weinert
Head	Westerfeld
Lemens	Woodruff

Absent—Excused

Neal	Shivers
Nelson	Stone
Redditt	

Senator Rawlings offered the following amendment to the substitute:

Amend the substitute by adding thereto the following:

"Provided, however, this resolution shall not affect pending suits."

Senator Burns moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—12

Aikin	Newton
Beck	Pace
Burns	Roberts
Holbrook	Small
Isbell	Spears
Moore	Winfield

Nays—11

Brownlee	Rawlings
Collie	Van Zandt
Davis	Weinert
Head	Westerfeld
Lemens	Woodruff
Oneal	

Present—Not Voting

Neal

Absent

Cotten	Sulak
Hill	

Absent—Excused

Nelson	Shivers
Redditt	Stone

Question recurring on the substitute, (as amended), it was adopted.

Question then recurring on the resolution as substituted, yeas and nays were demanded.

The resolution as substituted was adopted by the following vote:

Yeas—14

Aikin	Pace
Beck	Rawlings
Burns	Roberts
Davis	Small
Holbrook	Spears
Isbell	Weinert
Moore	Winfield

Nays—11

Brownlee	Newton
Collie	Oneal
Cotten	Van Zandt
Head	Westerfeld
Hill	Woodruff
Lemens	

Present—Not Voting

Neal

Absent

Sulak

Absent—Excused

Nelson
ReddittShivers
Stone

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
October 11, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 31 and requests the Senate for the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Jones of Falls, Knetsch, Anderson, Boethel, and Alsup.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Conference Committee on House
Bill No. 31

Senator Weinert moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 31 be granted.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following conference committee on the part of the Senate:

Senators Weinert, Van Zandt, Sulak, Moore, and Oneal.

Senate Bill No. 5 on First Reading

Senator Roberts presented, for introduction at this time, a bill revising appropriations heretofore made for the State institutions of higher learning.

Senator Burns raised a point of order against the introduction of the

bill, on the ground that it relates to a subject not submitted by the Governor for consideration at the current called session of the Legislature.

The Presiding Officer overruled the point of order.

The following bill then was introduced, read first time, and referred to the Committee on Finance:

By Senator Roberts:

S. B. No. 5, A bill to be entitled "An Act declaring the policy and making appropriation for the support, maintenance, operation, and improvement of the several state institutions of higher learning for the two fiscal years, beginning September 1, 1937, and ending August 31, 1939, both dates inclusive, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriation, repealing Senate Bill 139 Acts Regular Session, Forty-fifth Legislature; and declaring an emergency."

Reports of Standing Committees

Senator Spears, by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
October 11, 1937.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 10, a bill to be entitled "An Act to amend Article 1589 of the Penal Code of the State of Texas, relating to the fees to be charged by private employment agents in Texas; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

SPEARS, Vice-Chairman.

Committee Room,
Austin, Texas,
October 11, 1937.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 40, a bill, to be entitled "An Act to amend Articles 5215 and 5216 of the Revised Civil Statutes of the State of Texas, 1925, relating to the fees that may be charged applicants by private employment agents in Texas, authorizing the Commissioner of Labor to prescribe the form of receipts, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

SPEARS, Vice-Chairman.

Adjournment

On motion of Senator Spears, the the Senate, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

EIGHTH DAY

(Tuesday, October 12, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused

Nelson

A quorum was announced present. The invocation was offered by the Chaplain.

On motion of Senator Head, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with, and the Journal was approved.

Leave of Absence Granted

Senator Nelson was granted leave of absence for today, on account of illness, on motion of Senator Brownlee.

Petitions and Memorials

The President laid before the Senate, and had read, the following communication:

Austin, Texas,
October 12, 1937.

Hon. Walter Woodul, President of the Senate.

Austin, Texas.

Dear Governor: The Game and Fish Protective Association of Texas is now and has been circulating a statement, addressed to the Sportsmen of Texas, asserting, in effect, among other things, the following:

That the revenues of the Game Department have been greatly reduced by reason of unnecessary expense; that it is controlled by obnoxious evil forces; that unlawful items of expense have been placed in expense accounts; that gross extravagance exists; that the Commission and executive forces have abused the authority vested in them and have wasted the sportsmen's funds; and, with the help of three governors, the most vicious political machine existing anywhere in the United States has been molded together.

Individual citizens have made similar accusations against the operation of the Game Department under its present management. Many of these accusations have been made to the members of the Senate.

These charges and assertions cannot be permitted to go further without being challenged. If the charges are true, a majority of the Commission, together with the executive forces of the Department, should be forced to resign and honest men should succeed them. If the charges are untrue, this fact should be made known to the Texas Legislature and to the people of this State.

Mr. Gene Howe of Amarillo, Colonel Murrell L. Buckner of Dallas, Mr. C. G. Pillot of Houston, Mrs. Hal C. Peck of Amarillo, and myself, join in requesting the Texas Senate to adopt an appropriate resolution creating a committee with authority to make a thorough investigation of these charges and of the affairs of this Department to determine the truth-